FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7402 OF 2005
IN
CASE NO.462/P/99

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.A.A.Siddiquie for the applicant.

Mrs.M.H.Mhatre APP for the State.

Coram : R.S.Mohite,J

Date : 25.01.2006.

PC

1. Heard both sides. Rule. By consent, rule made returnable forthwith.

2. This application impugns an order dated 16.6.2005 by which an application for adjournment was rejected and cross-examination of a witness by name Manoj Kavthekar was denied. This order has been confirmed in revision by the Addl. Sessions Judge vide its order dated 6.8.2005. It is seen from the order of the Sessions Court that the witness himself was absent on one of

the dates and on some other dates the accused was present though his Advocate was absent. In the interest of justice and to avoid penalising the accused for want of his Advocate's presence the application is allowed and the impugned judgments and orders dated 16.6.2005 and 6.8.2005 are set aside. Advocate for the applicant states that the next date in the matter is 14.3.2006. The witness who was in the box will be summoned by the Magistrate to remain present on the next date. Cross-examination of the witness will commence immediately and will be completed on day to day basis. If no cross-examination is conducted on the next date, the matter to proceed without cross-examination. Applicant will also deposit an amount of Rs.2000/- in the trial Court of which Rs.1000/- will be payable to the witness in question for the inconvenience caused to him. Application stands disposed of and rule is made absolute accordingly.

(R.S.Mohite,J)